

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MICK HAIG PRODUCTIONS, E.K.,)
)
)
Plaintiff,)
)
v.)
DOES 1-670) No. 3:10-cv-01900-N
)
Defendant.)
)
)

AFFIDAVIT OF MATTHEW ZIMMERMAN

1. My name Matthew Zimmerman. I am one of the attorneys appointed by the Court to serve as attorney ad litem for the Doe Defendants. I have personal knowledge of the matters stated in this affidavit. If called upon to do so, I am competent to testify to all matters set forth herein.
2. On May 26, 2011, I left a message with the office of Plaintiff's counsel requesting Plaintiff's consent to Defendants' filing of their proposed sanctions Reply. The following day, May 27, 2011, I received a response via voicemail from Plaintiff's Counsel, in which Plaintiff's Counsel consented to the filing.
3. Attached hereto as Exhibit A is a true and correct copy of a subpoena issued pursuant to 17 U.S.C. § 512(h) from the Northern District of Texas on or around April 1, 2011, from Plaintiff's counsel Evan Stone to non-party company Buckeye CableVision, seeking the true identities of seven individuals identified therein by IP address, and the accompanying documents sent to Buckeye CableVision by Plaintiff's counsel.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed May 27, 2011, in San Francisco, California.

/s/ *Matthew Zimmerman*
Matthew Zimmerman

Certificate of Service

On May 27, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

/s/ Matthew Zimmerman
Matthew Zimmerman (SBN 212423)
Senior Staff Attorney
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110
Tel: (415) 436-9333
Fax: (415) 436-3339

Exhibit A

Exhibit A

SAO83 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

Texas

In Re Buckeye Cablevision

SUBPOENA IN A CIVIL CASE

Case Number:¹

TO: Buckeye Cablevision
c/o Gary J. Blair
405 Madison Avenue, Suite 2100
Toledo, Ohio 43604

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Information, including name, addresses, telephone numbers, e-mail address and Media Control Addresses, sufficient to identify and contact all persons whose IP addresses are included in the attached spreadsheet. Note that I am happy to provide this list in whatever format is most convenient for you.

PLACE	DATE AND TIME
Evan Stone, Esq. 624 W. University Dr., #386, Denton, TX 76201	5/23/2011

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Counsel for Plaintiff	3/24/2011

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Evan Stone,
624. W. University Dr., #386, Denton, TX 76201
lawoffice@wolfe-stone.com
469-248-5238

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

CLERK OF COURT




THE LAW OFFICES OF EVAN STONE

624 W. University Dr. #386 ~ Denton, TX 76201
lawoffice@wolfe-stone.com ~ (469) 248-5238

March 23, 2011

RE: Notice of Copyright Infringement

In compliance with relevant federal copyright law, I submit the following:

I hereby certify, under penalty of perjury, that the following information is accurate to the best of my knowledge and belief.

I am an attorney authorized to represent the following copyright holders with respect to the matters discussed herein: FUNimation Entertainment, People Pictures LLC and MultiVisionnaire.

The aforementioned copyright holders own or control various exclusive copyrights and trademarks related to the motion pictures in the accompanying list (the "Works.")

Through a series of investigations, we have a good faith belief that subscribers for which you provide service are using your service for the unauthorized copying and distribution of digital files embodying the copyrighted Works. The use of the Works in this manner is NOT authorized by these copyright holders and is a violation of their intellectual property rights, including their rights under the Copyright Act. Infringing materials, along with the location of the infringing materials and timestamps at which the infringements were witnessed are also included in the accompanying list.

I request that you expeditiously block the ports upon which the infringing activity is occurring and likely continues to occur, or otherwise cause such infringing activity to cease and/or suspend the account(s) of the listed users until they agree to cease unlawfully distributing the content in question.

If you should require any further information please do not hesitate to contact me by email at evan@wolfe-stone.com. My mailing address and other contact information are included in my signature below. Please contact me immediately if you feel that this notification is not in compliance with the requirements of the DMCA, or if some other problem arises with respect to my request.

s/ E. T. Stone
Evan Stone
State Bar No. 24072371
624 W. University Dr., #386
Denton, Texas 76201
e-mail: lawoffice@wolfe-stone.com
469-248-5238

1 DECLARATION PURSUANT TO 17 U.S.C. § 512(h)

2

3 I, Evan F. Stone, the undersigned, declare that:

4

5 1. I am an attorney authorized to act on behalf of the copyright holders
6 involved in these matters, including FUNimation Entertainment, People Pictures LLC
7 and MultiVisionnaire. This declaration is made in support of the accompanying
8 Subpoena, pursuant to 17 U.S.C. § 512(h)(2)(C).

9

10 2. The purpose of the accompanying Subpoena is to obtain the identities of
11 the alleged copyright infringers to which the IP addresses were assigned on the dates
12 and times in the accompanying list. The information obtained will be used only for
13 the purpose of protecting the rights granted to the copyright holders under Title 17 of
14 the United States Code.

15

16 3. I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18 Executed in Denton, Texas, on Wednesday, March 23, 2011.

19

20

21

22 s/ E. F. Stone

23 Evan Stone

24 State Bar No. 24072371

25 624 W. University Dr., #386

26 Denton, Texas 76201

27 469-248-5238

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